

Notice of Allowability

Application No.

10/712,277

Examiner

Melanie J. Hand

Applicant(s)

CORONEO, MINAS THEODORE

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 5/15/07.
2. ☒ The allowed claim(s) is/are 1-9 and 22-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 9/4/07.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

MJH

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Fred Hernandez on September 4, 2007.

The application has been amended as follows:

Claim 1. A flexible ocular device for implantation into the eye formed of a biocompatible elastomeric material, foldable to a diameter of 1.5 mm or less, comprising a fluid drainage tube having at one end a foldable plate deployed within a suprachoroidal space, to locate the device on the inner surface of the sclera in the suprachoroidal space formed by cyclodialysis, wherein said drainage tube has an internal lumen that opens into the suprachoroidal space and onto the plate near one end and wherein the internal lumen opens into the anterior chamber when implanted into the eye at its other end, so as to provide aqueous pressure regulation.

Claim 22. An ocular device for implantation into the eye, comprising: a fluid drainage tube having at a first end an anchor member deployed within a suprachoroidal space on an inner surface of the sclera so as to locate the first end of the device on an inner surface of the sclera, the fluid drainage tube having an internal lumen wherein the a first end of the lumen of the drainage tube opens into the suprachoroidal space and a second

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end of the lumen of the drainage tube opens into the anterior chamber when implanted into the eye, so as to provide aqueous pressure regulation.

Claim 27. A flexible ocular device for implantation into the eye formed of a biocompatible elastomeric material, foldable to a diameter of 1.5 mm or less, comprising a fluid drainage tube having at one end a foldable plate deployed within a suprachoroidal space, to locate the device on the inner surface of the sclera in the suprachoroidal space formed by cyclodialysis, said drainage tube opening into the suprachoroidal space and onto the plate near one end and opening to the anterior chamber when implanted into the eye at its other end, so as to provide aqueous pressure regulation.

Claim 28. An ocular device for implantation into the eye, comprising: a fluid drainage tube having at a first end an anchor member deployed within a suprachoroidal space on an inner surface of the sclera so as to locate the first end of the device on an inner surface of the sclera, wherein the first end of the drainage tube opens into the suprachoroidal space and a second end of the drainage tube opens into the anterior chamber when implanted into the eye, so as to provide aqueous pressure regulation.

Please cancel claims 10-18, withdrawn from consideration in a previous Office action.

Election/Restrictions

This application is in condition for allowance except for the presence of claims 10-18 directed to an invention non-elected without traverse. Accordingly, claims 10-18 have been cancelled.

Conclusion

The prior art made of record and not relied upon, U.S. Patent No. 6,050,970 to Baerveldt, is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
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September 4, 2007

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

